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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,688	01/03/2001	Toru Shirasaki	3061/22	9745

7590

04/22/2003

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EXAMINER

PATTERSON, MARC A

ART UNIT

PAPER NUMBER

1772

DATE MAILED: 04/22/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/752,688

Applicant(s)

SHIRASAKI, TORU

Examiner

Marc A Patterson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### WITHDRAWN REJECTIONS

1. The 35 U.S.C. 112 second paragraph rejection of Claims 1 – 7, 35 U.S.C. 102(b) rejection of Claims 1 – 4 and 6 – 7 as being anticipated by Yen (U.S. Patent No. 4,470,508) and 35 U.S.C. 103(a) rejection of Claim 5 as being unpatentable over Yen (U.S. Patent No. 4,470,508) in view of Suzuura et al (U.S. Patent No. 6,066,404), of record on page 2 of the previous Action, are withdrawn.

### NEW REJECTIONS

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8 – 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With regard to Claim 8, the term 'base' is indefinite, as its meaning is unclear. For purposes of examination, the phrase will be assumed to mean a casing. The phrase 'a first upper surface area' is indefinite as it is unclear what surface is being claimed; furthermore, the term 'upper' has not been defined with respect to anything which is 'lower.' For purposes of examination, the phrase will be assumed to mean any surface of the casing. The term 'including' is indefinite as its meaning is unclear. For purposes of examination, the term will be assumed to mean 'comprising.' The phrase 'inner surface' is indefinite as it is unclear what surface is being claimed; furthermore, the term 'inner' has not been defined with respect to anything which is

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'outer.' For purposes of examination, the phrase will be assumed to mean any surface of the covering. The phrase 'mounted on the container base to form an inside space' is indefinite because its meaning is unclear. The phrase also appears to be directed to a method limitation, which is given little patentable weight as discussed below. For purposes of examination, the container will be assumed to comprise a casing, a covering for the casing which is mounted on the casing, and an inside space between the casing and covering in which the pellicle is housed, at least part of the surface of the inside space comprising an inorganic material.

4. Claims 10 – 12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term 'include' is indefinite as its meaning is unclear. For purposes of examination, the term will be assumed to mean 'comprise.' Claim 10 recites the limitation "each include a layer" in line 3. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 11 recites the limitation "an outer surface" in line 3. There is insufficient antecedent basis for this limitation in the claim. Claim 11 recites the limitation "a layer" in line 4. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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the invention. Claim 12 recites the limitation "the layers" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 8 – 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Yen (U.S. Patent No. 4,470,508).

With regard to Claim 8 and 11 – 13, Yen discloses a container (package; column 3, lines 5 – 12) for a framed pellicle (pellicle having a support ring on the outside; column 4, lines 22 – 35) comprising a casing (lower member; column 3, lines 24 – 29), a covering for the casing which is mounted on the lower member (upper member; column 3, lines 24 – 29), and an inside space between the casing and covering in which the pellicle is housed (column 3, lines 30 – 41), at least part of the surface of the inside space comprising an inorganic material (spacer blocks comprising aluminum; column 5, lines 18 – 24).

With regard to Claim 9, Yen teaches that the materials utilized in making the exterior frame and spacer blocks comprise a material which has high surface integrity, and that the spacer blocks comprise aluminum (column 5, lines 3 – 24); the claimed aspect of the casing and covering 'consisting of metal' therefore reads on Yen.

With regard to Claim 10, Yen teaches that aluminum and polyethylene are equivalent as materials for making the container (column 5, lines 18 – 24).

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With regard to Claim 14, the inorganic material comprises aluminum, as stated above, and therefore comprises alumina.

#### ANSWERS TO APPLICANT'S ARGUMENTS

9. Applicant's arguments regarding the 35 U.S.C. 112 second paragraph rejection of Claims 1 – 7, 35 U.S.C. 102(b) rejection of Claims 1 – 4 and 6 – 7 as being anticipated by Yen (U.S. Patent No. 4,470,508) and 35 U.S.C. 103(a) rejection of Claim 5 as being unpatentable over Yen (U.S. Patent No. 4,470,508) in view of Suzuura et al (U.S. Patent No. 6,066,404), of record on page 2 of the previous Action, and the cancellation of Claims 1 – 7, have been considered and have been found to be persuasive. The rejections are therefore withdrawn. The 35 U.S.C. 112 second paragraph rejections of Claims 8 – 14 and 35 U.S.C. 102(b) rejection of Claims 8 – 14 as being anticipated by Yen (U.S. Patent No. 4,470,508) above are directed to newly submitted Claims 8 – 14.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Patterson, whose telephone number is (703) 305-3537. The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00 PM. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (703) 308-4251. FAX communications should be sent to (703) 872-9310. FAXs received after 4 P.M. will not be processed until the following business day.

Marc A. Patterson, PhD.

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***Conclusion***

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*Marc Patterson*  
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HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772 4/17/03